

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES M. SCHMIDT ET AL.,

No. CV 12-2762 CRB

Plaintiffs,

v.

**ORDER DISMISSING FOR LACK OF
SUBJECT MATTER JURISDICTION**

JP MORGAN CHASE BANK, N.A. ET AL.,

Defendants.

The Court previously ordered Plaintiffs to show the basis of this Court's subject matter jurisdiction over this lawsuit. See dkt. 28. Plaintiffs have not responded to the Court's order. Plaintiffs' Complaint invoked diversity jurisdiction, 28 U.S.C. § 1332(a)(1), which requires complete diversity of the parties, e.g., Carden v. Arkoma Assocs., 494 U.S. 185, 187 (1990), and the complaint alleged no causes of action arising under federal law.

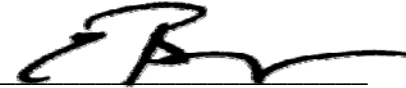
Plaintiffs allege they are California residents, Compl. ¶ 3, and the Deed of Trust attached to their complaint identifies Defendant California Reconveyance Company (CRC) as a California corporation. Compl. at 8. CRC has since represented to the Court that it is indeed a California corporation. See dkt. 32 at 1; dkt. 31 at 1.

Plaintiffs have the burden of establishing complete diversity of citizenship, see Kokkonen v. Guardian Life Ins. Co., 511 U.S. 375, 377 (1994), and they have not met that

1 burden. A district court may *sua sponte* dismiss an action over which it lacks subject matter
2 jurisdiction. Franklin v. State or Or., State Welfare Div., 662 F.2d 1337, 1342 (9th Cir.
3 1981). Accordingly, this action is DISMISSED for lack of jurisdiction.

4 **IT IS SO ORDERED.**

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6 Dated: September 28, 2012

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9 CHARLES R. BREYER
10 United States District Judge
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